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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/955,473
Filing Date: September 17, 2001
Appellant(s): FORNEY ET AL.

MAILED

JUN 26 2007

Technology Center 2100

Mark Joy No.35,562
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 2/16/2007 appealing from the Office action
mailed 4/17/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,571,140	Wewalaarachchi et al
2002/0046254	Khan et al
2002/0052954	Polizzi et al

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5,6,8-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) in view of Wewalaarachchi et al ("Wewalaarachchi", US 6571140).

As per claim independent claim 1, Khan teaches a customer-configurable plant process observation portal server for collecting plant process information, in accordance with a user designated set of information sources, and for disseminating the information to users via network connections, the portal server comprising: an extensible information source registry for storing at least identification information corresponding to an extensible set of plant information sources accessed via the portal server ([0077]-[0079]); a portal server data interface, accessible via remote networked stations, providing user access to plant information associated with the set of designated plant

information sources ([0086] lines 1-12); and a portal configuration utility enabling a user to at least designate a new plant information source via a configuration interface, the new plant information source thereafter being added to the extensible set of plant information sources ([0078] lines 1-12). Khan fails to distinctly point out the system utilizing plan process information. However, Wewalaarachchi teaches a plant process (Column 1 lines 24-37, lines 63-67). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Wewalaarachchi with the system of Kahn. Motivation to do so would have been to provide diverse way to control a real time system.

As per claim 2, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility further enables a user to designate a manner in which data from sources of information is visually depicted on a user interface rendered by the portal server for a particular portal site (Kahn, [0085] lines 1-16).

As per claim 3, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal server comprises at least one association with an Internet portal site from which data received from plant information sources is accessed by users ([0093] lines 1-6).

As per claim 5, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility further enables a user to designate a new data handler to be added to an extensible set of data handlers that process information

of particular types provided by the extensible set of plant information sources (Wewalaarachchi, Column 7 lines 41-54).

As per claim 6, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source comprises a Web page, and the portal configuration utility is accessible by a browser (Khan, [0079] lines 3-19).

Claim 8 is similar in scope to that of claim 5 and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2 and is therefore rejected under similar rationale.

Claims 10,11 are individually similar in scope to that of claim 1 and are therefore rejected under similar rationale.

As per claim 12, which is dependent on claim 1, Khan-Wewalaarachchi teaches a system further comprising a plurality of data handlers that process information of particular types provided by the extensible set of plant sources (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 13, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises a process history database handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 14, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises an alarm handler (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

As per claim 15, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the plurality of data handlers comprises a data exchange protocol specific handler (Wewalaarachchi, Column 7 lines 4-20).

As per claim 16, which is dependent on claim 12, Khan-Wewalaarachchi teaches a system wherein the extensible source registry facilitates storing plant information provided by multiple controllers, thereby facilitating accessing data generated by multiple controllers via a single physical node on a process control network (Wewalaarachchi, Column 1 lines 66-67, Column 2 lines 1-5).

Claim 17 is similar in scope to that of claim 13 and is therefore rejected under similar rationale.

Claim 18 is similar in scope to that of claim 14 and is therefore rejected under similar rationale.

Claim 19 is similar in scope to that of claim 15 and is therefore rejected under similar rationale.

Claim 20 is similar in scope to that of claim 16 and is therefore rejected under similar rationale.

3. Claims 4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al ("Khan", US2002/0046254) and Wewalaarachchi et al ("Wewalaarachchi", US 6571140) in view of Polizzi et al ("Polizzi", US2002/0052954).

As per claim 4, which is dependent on claim 1, Khan-Wewalaarachchi fails to distinctly point out a network being an intranet. However, Polizzi teaches a system wherein the portal server comprises at least one association with an intranet portal site from which data received from plant information sources is accessed by users ([0007] lines 7-9). Therefore it would have been obvious to an artisan at the time of the invention to combine the teaching of Polizzi with the system of Khan-Wewalaarachchi. Motivation to do so would have been to provide a more secure way of providing a portal.

As per claim 7, which is dependent on claim 6, Khan-Wewalaarachchi-Polizzi teaches a system wherein the configuration template wherein the portal configuration utility includes computer program instructions for rendering a configuration template prompting a user to provide information associated with the new plant information source comprises a Web page, and the portal configuration utility is accessible by a browser (Polizzi, abstract lines 18-21).

(10) Response to Argument

Appellants argue that Khan et al does not have priority over the presently pending application claims since the disclosure relied upon which the rejection relies is not provided in Khan C-I-P's parent application. Specifically paragraphs [0077-0079] do

not appear to be present in the parent application of Khan et al (6,438,575). However, after review the Examiner points out that these paragraphs are supported, not generally, but almost word for word at Column 22 lines 47-Column 23 lines 12. It is therefore understood that Khan et al. published application US 2002/0046254 is prior art.

Appellants argue that there is no motivation to combine Khan with Wewalaarachchi, and that Khan does not even mention a plant or suggest plant information. Khan teaches an information hub with customizable data sources in a portal environment. Using the portal system of Khan would allow a user to access and manage information from any source. Wewalaarachchi is very analogous to Khan in that Wewalaarachchi teaches a method of managing and customizing data sources. Khan specifically states at [0078], for which priority support has been shown above, that the present invention allows a user to create an information portal whose source and content is completely customizable. Taking the already remote real-time data monitoring and control systems of Wewalaarachchi and combining it into Khan not only makes sense, provides a new found advantage to Wewalaarachchi of control a multitude of plant sources. Furthermore, Appellant's provide many reasons why Khan and Wewalaarachchi cannot be combined citing many issues that may or may not exist from the application Background. It is obvious that the Appellant has a great deal of knowledge in the detail of what is associated with these plant control system process systems. However, most of the differences shown between Khan and the Appellant's

invention are only addressed in the written description and drawings of the present invention and not conveyed in the claims.

Appellant's argue that neither Khan nor Wewalaarachchi disclose a set of data handlers for handling plant information of particular types of information. However, Wewalaarachchi teaches as pointed out above Column 7 lines 41-54, in short, once an interest is indicated an object server creates a new data object depending on the device and then provides real time updates. According to Column 7 lines 4-20, there is a communication gateway specific to each device and communicating with each particular device is adapted to a standard data format, in the case of Khan an OOP (object oriented programming) methodology.

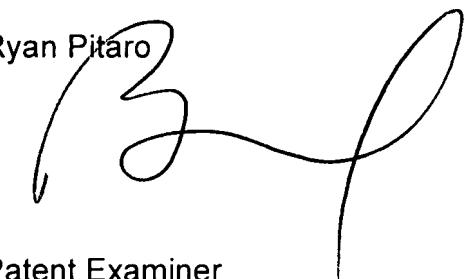
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Ryan Pitaro



Patent Examiner

Art Unit 2174

Conferees:


Lynne Browne

Appeal Specialist, TQAS

TC 2100


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